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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,806	05/02/2001	Ferdinand Kristen	DT-3897	4906
30377	7590	06/05/2003		
DAVID TOREN, ESQ. SIDLEY, AUSTIN, BROWN & WOOD, LLP 787 SEVENTH AVENUE NEW YORK, NY 10019-6018			EXAMINER	
			TRAN, LOUIS B	
			ART UNIT	PAPER NUMBER
			3721	3
DATE MAILED: 06/05/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/847,806	KRISTEN ET AL.
	Examiner Louis B Tran	Art Unit 3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 May 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____ .
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 1, the phrase "drill-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Objections

4. Claims 2 and 3 are objected to because of the following informalities: Line 1 of the claims requires "an electric hard tool". Typographical error is assumed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guzzella (5,584,619) in view of Steffen (6,123,158).

Guzzella discloses the invention substantially as claimed including an electric hand tool apparatus M for driving a drill-like tool effecting at least partially a rotational movement and comprising a housing, an electric motor 7, motor control electronics 3 within said housing in operational engagement with said electric motor 7, a force transfer path, seen in Figure 2, from said motor to said transmissions and rpm-dependent clutch 5 in the force transfer path for transmitting torque from said electric motor to said transmission (as in claim 1), wherein a sensor 1 is connecting with said housing for detecting a future excessively high twisting of said housing (as in claim 2), but does not show a specific magnetic reluctance motor (as in claim 3), free of a collector and slip ring for producing a torque.

However, Steffan teaches the use of a magnetic reluctance motor and a motor free of a collector and slip ring for producing torque. Moreover, Steffan specifically states that these types of motors are well known in the art for their low wear characteristics as described in column 1, lines 20-30.

Therefore, it would have been obvious to one having ordinary skill in the art to modify Guzzella with a specific type of motor taught in Steffan, and well known in the art, in order to decrease wear.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guzzella (5,584,619) in view of Steffen (6,123,158).

Guzzella discloses the invention substantially as claimed including a method of operating an electric hand tool for limiting an excessively high twisting of a housing of the electric and tool in the event of an obstruction during operation, the electric hand tool M comprising a housing, an electric motor 7 for producing a torque, motor control electronics 3 within the housing in operational engagement with the electric motor for controlling rpm of the torque thereof, a transmission, seen in Figure 2, within the housing for transmitting rotational movement along a force transfer path from the motor to the transmission, and a rpm-depending clutch 5 in the force transfer path from transmitting torque from the electric motor to the transmission, a sensor 1 connected with the housing for detecting future excessively high twisting of the housing, comprising the steps of triggering a safety signal when an excessively high twisting of the housing is recorded by the sensor, reducing the rpm of the electric motor via the motor control electronics (which occurs inherently as in column 4, lines 50-66), and with the reduction, of the rpm interrupting the transfer torque over the force transfer path (as in claim 4), the steps of polling and evaluating the safety signal before accelerating the electric motor via the electronic control electronics described in column 6, lines 15-45 (as in claim 5), but does not explicitly show an electric motor for producing a torque and being free of a collector and slip ring.

However, Steffan teaches the use of reducing the rpm of the electric motor via the motor control electronics and a motor free of a collector and slip ring for producing torque. Moreover, Steffan specifically states that these types of motors are well known in the art for their low wear characteristics as described in column 1, lines 20-30.

Therefore, it would have been obvious to one having ordinary skill in the art to modify Guzzella with a specific type of motor taught in Steffan, and well known in the art, in order to decrease wear.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are Delio, Rogers, Noser et al., Grunbaum, Huber, Yeghiazarians, Stock et al. (111), Stock et al. (457), and Weilenmann.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700

Ibt
May 23, 2003